

**STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
OPTOMETRY EXAMINING BOARD : CR 15-079**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: n/a

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This purpose is to eliminate rules which are duplicative or obsolete. These rules governing the Optometry were created in 1971 and currently are not necessary.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Board of Optometry held a public hearing on October 29, 2015. The following people either testified at the hearing, or submitted written comments:

Peter Theo representing Wisconsin Optometry Association

The Board of Optometry summarizes the comments received either by hearing testimony or by written submission as follows:

The comments were in support of the proposed rule.

The Board of Optometry did not make any modifications to its rule-making proposal prompted by public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The Clearinghouse did not make any comments.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

This rule does not have an effect on small business.

STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : OPTOMETRY EXAMINING BOARD
OPTOMETRY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 15-079)

PROPOSED ORDER

An order of the Optometry Examining Board to repeal ch. Opt 2 relating to organization of the board.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 15.08(5)(b), Stats.

Statutory authority: s. 15.08(5)(b), Stats.

Explanation of agency authority:

Under 15.08(5)(b), Stats, each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

Related statute or rule: N/A

Plain language analysis:

Section 1 repeals chapter Opt 2. Chapter Opt 2 was repealed and recreated in 1971. These rules for governing the board are now duplicative or obsolete. The statutes provide for frequency of meetings. The Board does not follow the latest copyright of Robert's Rules while conducting business. The board, specifically the secretary of the board, does not receive the voucher for membership in the international association of boards. The Board may send a delegate to a meeting without specifying in rule and the statute.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Conduct of business or parliamentary procedure is not addressed in statutes or rules. Membership in associations is not addressed in statutes or rules.

Iowa: Conduct of business or parliamentary procedure is not addressed in statutes or rules. Iowa statutes allow each board to maintain a membership in the national organization of the regulatory boards of its profession to be paid from board funds.

Michigan: Conduct of business or parliamentary procedure is not addressed in statutes or rules. Membership in associations is not addressed in statutes or rules.

Minnesota: Conduct of business or parliamentary procedure is not addressed in statutes or rules. Membership in associations is not addressed in statutes or rules.

Summary of factual data and analytical methodologies:

In reviewing the rules, the Board determined this chapter is obsolete or duplicative. The chapter was created in 1971.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for economic comments and none were received. This rule only impacts the operation of the Board and does not have any economic effect.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeff.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1. Chapter Opt 2 is repealed.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Optometry Examining Board is approved for submission to the Governor and Legislature.

Dated

2/11/16

Agency

Ann Meier Carls, MD

Member of the Board
Optometry Examining Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
Opt 2

3. Subject
Organization of the Board

4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
--	---

6. Fiscal Effect of Implementing the Rule
 No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
 State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
This chapter contains requirements to use the latest copyright of Robert's Rules of Order to conduct business, hold elections, meeting once a year or upon call of the chairperson and antiquated procedures for membership in international association of boards and payment of fees for delegates. The repeal of this chapter removes duplicative and obsolete rules.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
This rule was posted for economic comments and none were received.

11. Identify the local governmental units that participated in the development of this EIA.
None

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
This rule has no economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit of the rule is to repeal the chapter which contains duplicative or obsolete provisions. The statutes provide for elections and frequency of meetings. The other provisions are unnecessary or antiquated procedures and do not reflect the operating process for memberships.

14. Long Range Implications of Implementing the Rule
The long range implication is not having rules which are unnecessary.

15. Compare With Approaches Being Used by Federal Government
None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Our surrounding states provide for the elections and meetings in statute and not in rule. None of our surrounding states

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

have rules relating to the use of parliamentary procedure. Only Iowa addresses membership in the national organization and that is done by statute and not rule.

17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377
----------------------------------	--

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-